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**From:** Mogharabi, Nahal  
**Sent:** Wed 7/3/2013 6:10:28 PM  
**Subject:** Exide FYI

I just wanted to give you a heads up on some Exide news I heard via an LA Times story on Kettleman.

The story (<http://www.latimes.com/news/local/la-me-hazardous-waste-dtsc-20130703,0,949753.story> ) mentions that a judge reversed DTSC's decision to close the Exide plant. This was news to me, so I wanted to make sure you were both aware. Below the Exide piece pulled from the LA Times Story in case you are on Blackberry:

From LA Times:

Also Tuesday, officials at the Department of Toxic Substances Control were thwarted in their efforts to continue the suspension of operations at Exide Technologies' battery recycling plant in Vernon. The facility has a history of pollution violations, including complaints by regulators that at one point lead dust rained onto nearby rooftops and streets.

On April 24, state officials temporarily closed the plant, citing arsenic emissions as a risk to as many as 110,000 people nearby. They also said a degraded pipeline was leaking hazardous waste into the soil.

The company, one of the world's largest makers and recyclers of lead-acid batteries, disputed the allegations and accused regulators of taking "arbitrary and capricious" action under public and political pressure.

Los Angeles County Superior Court Judge Luis Lavin sided with the company. "The Department's avalanche of conclusions, speculation and innuendo are not a substitute for evidence," he wrote in Tuesday's ruling.

By April 19, five days before the closure, Exide had reduced arsenic emission levels by at least 97%, the judge noted, so it "did not pose an imminent and substantial threat" at the time.

He added that the agency did not produce evidence that the leaky pipes caused harm.

The issue is not entirely resolved, however. Lavin's order allows the plant to operate under several conditions pending the outcome of an administrative law hearing that will resume in September. The conditions include adding wastewater pipes to bypass the damaged ones and performing tests of arsenic levels.

"Based on the judge's decision, we have reopened and returned jobs to our full workforce of 130 employees," Exide said in a statement.

In a statement, agency officials said they "respect but disagree with the judge's assessment and interpretation of data."

"Our goal of minimizing public health and environmental impacts from this facility remain central to our efforts," the statement said.

Some in the courtroom reacted angrily to Lavin's ruling with shouts of "Recall the judge" and "Corporate greed." Others wore surgical masks or carried signs that read "Arsenic kills!"

"This judge is contributing to more people getting sick," said Agustin Cebada, a member of a Maywood parents group.

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